

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,

No. C-09-5235 MMC

Plaintiff,

**ORDER DENYING FAIRCHILD'S
MOTION FOR DE NOVO REVIEW OF
MAGISTRATE JUDGE'S ORDERS**

v.

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., et al.,

Defendants.

Before the Court is the motion of defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and System General Corporation (collectively, "Fairchild"), filed October 21, 2013, for de novo review of Magistrate Judge Maria-Elena James's (1) order denying Fairchild's motion to amend infringement contentions and (2) order denying Fairchild's motion for reconsideration of said denial. Power Integrations, Inc. ("Power Integrations") has filed opposition, to which Fairchild has replied. The matter came on regularly for hearing on November 21, 2013. Frank E. Scherkenbach, Howard G. Pollack, and Michael R. Headley of Fish & Richardson P.C. appeared on behalf of Power Integrations. Blair M. Jacobs, Christina A. Ondrick, Terrence P. McMahon, and Leigh J. Martinson of McDermott Will & Emery LLP appeared on behalf of Fairchild.

For the reasons discussed on the record at the hearing, the Court finds the magistrate judge's orders are non-dispositive. Although the challenged rulings may make it

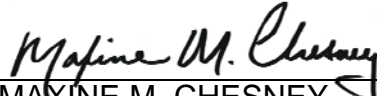
1 more difficult for Fairchild to prove infringement, Fairchild is not, “as a matter of law,”
2 precluded from doing so. See Shared Memory Graphics, LLC v. Apple Inc., 2011 WL
3 5320749 at *2-3 (N.D. Cal. Nov. 2, 2011) (distinguishing dispositive from non-dispositive
4 orders; collecting cases); see, e.g., Jesselson v. Outlet Assocs. of Williamsburg Ltd. P’ship,
5 784 F. Supp. 1223, 1228 (E.D. Va. 1991) (holding magistrate judge’s order excluding
6 certain documentary evidence and related testimony non-dispositive; noting order “only
7 appear[ed] dispositive because [p]laintiffs [did] not have any additional admissible evidence
8 to present”).

9 The Court further finds, for the reasons discussed on the record, the magistrate
10 judge’s orders are neither “clearly erroneous” nor “contrary to law.” See Fed. R. Civ. P.
11 72(a) (setting forth standard of review for non-dispositive orders).

12 Accordingly, the motion is hereby DENIED.

13 **IT IS SO ORDERED.**

14 Dated: November 26, 2013

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16 MAXINE M. CHESNEY
17 United States District Judge
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